

PATENT  
W&B Ref. No. : INF 2119-US  
Atty. Dkt. No. INFN/WB0051

### REMARKS

This is intended as a full and complete response to the Office Action dated August 11, 2005, having a shortened statutory period for response set to expire on November 11, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-20 are pending in the application. Claims 1, 3, 4, 11 18 and 19 have been amended. Claim 2 has been cancelled. New claim 21 has been added to recite aspects of the invention. Claims 1 and 3-21 remain pending following entry of this response. Applicants submit that the amendments and new claims do not introduce new matter.

#### Claim Rejections - 35 U.S.C. § 102

Claims 1, 6-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Fiscus*, US Patent No. 6,714,473 B1, filed Nov. 30, 2001.

However, this rejection is obviated as a result of the present amendments.

#### Claim Rejections - 35 U.S.C. § 103

Claims 2-3, 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fiscus*, in view of *Le et al.*, U.S. Patent No. 6,891,404 B2 (hereinafter *Le*).

Applicants respectfully traverse this rejection because *Le* is not available as a reference for this rejection.

#### **Statement of Common Ownership**

*Le et al.*, U.S. Patent No. 6,891,404 B2, was first published on December 11, 2003. The present application was filed on January 20, 2004, but has an effective filing date of January 22, 2003 by claiming priority benefits to German Patent Application Serial Number DE 103 02 292.9-53. Thus, *Le* is available as a reference only under 35 U.S.C. §102(e). *Le* and the present invention were, at the time the present application was made, owned by the same entity, or subject to an obligation of assignment to the same entity. Under 18 U.S.C. §103(c), this Statement of Common Ownership removes *Le* as a reference.

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Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

#### Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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